

CODED FIELDS:

BEGDOC: GOO001-00507535

ENDDOC: GOO001-00507540

BEGATTACH: GOO001-00507535

ENDATTACH: GOO001-00507540

RECORDTYPE: E-File

CUSTODIAN: Dunton\_(Maryrose)-GOONDCE000001612

DATASETID: GOONDCE000001612

MASTER\_DATE: 02/28/2006

SENTON\_DATE\_TIME:

CREATE\_DATE\_TIME: 02/28/2006:07:51:49

LASTMOD\_DATE\_TIME: 02/28/2006:07:51:49

RECEIVED\_DATE\_TIME:

PARENTFOLDER: HAL-SB-0207\1 Customer\Macintosh HD\Users\maryrose\Library\Application Support\Adium 2.0\Users\Default\Logs\AIM.maryrosedunton\tunawarrior-GOONDCE000001612

AUTHOR:

TO:

CC:

BCC:

SUBJECT\_TITLE: tunawarrior (2006-02-27).html

ORIGINALSOURCE:

NATIVEPATH:

FILEEXT: html

FILENAME: tunawarrior (2006-02-27).html-GOONDCE000001612

FILESIZE: 24265

MD5HASH: e38111c769642284cc539cd2fe3acff6

DATE: 3-22-08 EXHIBIT# 5  
DEPONENT:

DUNTON, MARYROSE

CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al., Case Nos. 07-CV-2203 and 07-CV-3582

A. Ignacio Howard, CLR, RPR, CSR No. 9830

hah. god, I still keep 1/2 expecting  
us to hit a ceiling...to plateau - but it doesn't  
seem like it's going to happen

**12:21:37 AM tunawarrior:**

i have been thinking a little differently  
about it. i was thinking, maybe we're doing  
so well on all the rankings and registrations is that we may  
be fundamentally different from all these other  
websites, as in.

**12:21:46 AM tunawarrior:**

we don't really provide a service  
like ebay/google/craigslist

**12:22:18 AM tunawarrior:**

but we're the first mass entertainment  
thing accessible through the internet.  
uhm, like we're some kind of convergence thing between tv/internet.

**12:22:53 AM maryrosedunton:**

yup. I spent like an two hours today  
just zoned out watching videos

**12:23:05 AM tunawarrior:**

dude, watch your email in about 2  
minutes

**12:23:07 AM tunawarrior:**

these numbers are amazing

**12:23:08 AM tunawarrior:**

today

**12:23:14 AM maryrosedunton:**

hah...cool.

**12:24:13 AM maryrosedunton:**

oh, I totally agree on the convergence  
thing - it sounds sort of dorky, but I really  
do think we're revolutionizing entertainment

**12:24:39 AM maryrosedunton:**

I run into more and more random people  
who are huge fans of ours

**12:24:51 AM tunawarrior:**

oh, exactly. re: revolutionizing  
entertainment

**12:25:04 AM tunawarrior:**

haha, it does sound dorky but i think  
it has just been over-used by other  
companies who have attempted to do it.

**12:26:20 AM maryrosedunton:**

ya, totally. oh man, powers was telling  
me about all this cool collaborative  
filtering/recommendations stuff he built for slide - and it's  
never been used. max doesn't think that's the right  
direction for the product or something.

**12:26:40 AM tunawarrior:**

right, i was sort of thinking. like  
while it's awesome that we're kicking ass on  
alexa and we're rising on the charts.

**12:26:54 AM maryrosedunton:**

hah

12:26:59 AM tunawarrior:

but i think we're bigger than the internet, that we should be comparing ourselves to, say, abc/fox/whatever.

12:27:00 AM maryrosedunton:

I like the steve mike thing you put in there

12:27:40 AM maryrosedunton:

f-ing a. look at the numbers from 2/1 to now

12:27:52 AM tunawarrior:

ya

12:27:55 AM tunawarrior:

like a 150% increase

12:27:59 AM tunawarrior:

and!!

12:28:06 AM tunawarrior:

the thing is, still, a ton of people have never heard of us.

12:28:20 AM tunawarrior:

if we can keep up the scaling and make some revenue

12:28:44 AM maryrosedunton:

oh, I know, although I meet more and more people who have heard of us now

12:28:49 AM tunawarrior:

who wouldn't use us? potentially better entertainment than cable and you don't have to pay for it, you can talk to other users about it, you can create your own channels, so on so on.

12:29:29 AM maryrosedunton:

yup. registrations doubled this month, but I still feel like we're lacking there

12:29:51 AM tunawarrior:

hahaha. it's a little funny, being in the product side of youtube, isn't it?

12:29:59 AM tunawarrior:

it's like, you have to look at these charts and numbers and see where we can improve

12:30:03 AM tunawarrior:

when this is like unprecedeted growth

12:30:04 AM tunawarrior:

for any company

12:30:19 AM maryrosedunton:

hah. ya, totally. you still have to always focus on where we can do better

**12:37:26 AM maryrosedunton:**

oh, so by the way, after our discussion on friday, I did a little exercise on friday and went through all the most viewed/most dicussed/top favorites/top rated to try and figure out what percentage is or has copyrighted material. it was over 70%

**12:38:55 AM maryrosedunton:**

hah. shit. never mind

**12:39:12 AM tunawarrior:**

hahaha

**12:39:21 AM tunawarrior:**

maryrose, you're fired.

**12:39:43 AM maryrosedunton:**

oh, what I meant to say is after I found that 70%, I went and flagged it all for review

**12:39:57 AM tunawarrior:**

oh! of course.

**12:40:36 AM maryrosedunton:**

because we've got to work towards having a site 100% free of copyrighted material, ya know.

**12:40:54 AM tunawarrior:**

yes, error on the side of protecting copyrights. at all costs.

**12:41:12 AM maryrosedunton:**

too bad micah doesn't agree with us. we might have to fire him.

**12:41:48 AM tunawarrior:**

yes, sticking to our in-house 1 strike per employee policy.

**12:41:55 AM tunawarrior:**

love the guy to death, but rules are rules.

**tunawarrior disconnected (1:41:46 AM)**

**11:51:48 PM tunawarrior:**

<http://www.apple.com/downloads/dashboard/>

**The following is a true and correct copy of this  
instant message conversation as produced by Defendants.**

</span><pre class="message">haha</pre></div>  
<div class="receive"><span class="timestamp">12:20:26 AM</span> <span class="sender">tunawarrior:</span><pre class="message">what if...</pre></div>  
<div class="receive"><span class="timestamp">12:20:27 AM</span> <span class="sender">tunawarrior:</span><pre class="message">we beat myspace</pre></div>  
<div class="receive"><span class="timestamp">12:20:30 AM</span> <span class="sender">tunawarrior:</span><pre class="message">by the end of march</pre></div>  
<div class="send"><span class="timestamp">12:20:52 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">hah. god, I still keep 1/2 expecting us to hit a ceiling...to plateau - but it doesn't seem like it's going to happen</pre></div>  
<div class="receive"><span class="timestamp">12:21:37 AM</span> <span class="sender">tunawarrior:</span><pre class="message">i have been thinking a little differently about it. i was thinking, maybe we're doing so well on all the rankings and registrations is that we may be fundamentally different from all these other websites, as in.</pre></div>  
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<div class="receive"><span class="timestamp">12:22:18 AM</span> <span class="sender">tunawarrior:</span><pre class="message">but we're the first mass entertainment thing accessible through the internet. uhm, like we're some kind of convergence thing between tv/internet.</pre></div>  
<div class="send"><span class="timestamp">12:22:53 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">yup. I spent like an two hours today just zoned out watching videos</pre></div>  
<div class="receive"><span class="timestamp">12:23:05 AM</span> <span class="sender">tunawarrior:</span><pre class="message">dude, watch your email in about 2 minutes</pre></div>  
<div class="receive"><span class="timestamp">12:23:07 AM</span> <span class="sender">tunawarrior:</span><pre class="message">these numbers are amazing</pre></div>  
<div class="receive"><span class="timestamp">12:23:08 AM</span> <span class="sender">tunawarrior:</span><pre class="message">today</pre></div>  
<div class="send"><span class="timestamp">12:23:14 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">hah...cool. </pre></div>  
<div class="send"><span class="timestamp">12:24:13 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">oh, I totally agree on the convergence thing - it sounds sort of dorky, but I really do think we're revolutionizing entertainment</pre></div>  
<div class="send"><span class="timestamp">12:24:39 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">I run into more and more random people who are huge fans of ours</pre></div>  
<div class="receive"><span class="timestamp">12:24:51 AM</span> <span class="sender">tunawarrior:</span><pre class="message">oh, exactly. re: revolutionizing entertainment</pre></div>  
<div class="receive"><span class="timestamp">12:25:04 AM</span> <span class="sender">tunawarrior:</span><pre class="message">haha, it does sound dorky but i think it has just been over-used by other companies who have attempted to do it.</pre></div>  
<div class="send"><span class="timestamp">12:26:20 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">ya, totally. oh man, powers was telling me about all this cool collaborative filtering/recommendations stuff he built for slide - and it's never been used. max doesn't think that's the right direction for the product or something. </pre></div>  
<div class="receive"><span class="timestamp">12:26:40 AM</span> <span class="sender">tunawarrior:</span><pre class="message">right, i was sort of thinking. like while it's awesome that we're kicking ass on alexa and we're rising on the charts.</pre></div>  
<div class="send"><span class="timestamp">12:26:54 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">hah</pre></div>  
<div class="receive"><span class="timestamp">12:26:59 AM</span> <span class="sender">tunawarrior:</span><pre class="message">but i think we're bigger than the internet, that we should be comparing ourselves to, say, abc/fox/whatever.</pre></div>  
<div class="send"><span class="timestamp">12:27:00 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">I like the steve mike thing you put in there</pre></div>  
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</span><pre class="message">like a 150% increase</pre></div>  
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<div class="receive"><span class="timestamp">12:28:06 AM</span> <span class="sender">tunawarrior:</span><pre class="message">the thing is, still, a ton of people have never heard of us.</pre></div>  
<div class="receive"><span class="timestamp">12:28:20 AM</span> <span class="sender">tunawarrior:</span><pre class="message">if we can keep up the scaling and make some revenue</pre></div>  
<div class="send"><span class="timestamp">12:28:44 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">oh, I know, although I meet more and more people who have heard of us now</pre></div>  
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<div class="send"><span class="timestamp">12:29:29 AM</span> <span class="sender">maryrosedunton:</span><pre class="message">yup. registrations doubled this month, but I still feel like we're lacking there</pre></div>  
<div class="receive"><span class="timestamp">12:29:51 AM</span> <span class="sender">tunawarrior:</span><pre class="message">hahaha. it's a little funny, being in the product side of youtube, isn't it?</pre></div>  
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<div class="receive"><span class="timestamp">12:30:03 AM</span> <span class="sender">tunawarrior:</span><pre class="message">when this is like unprecedented growth</pre></div>  
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<div class="receive"><span class="timestamp">12:39:21 AM</span> <span class="sender">tunawarrior:</span><pre class="message">maryrose, you're fired.</pre></div>  
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<div class="receive"><span class="timestamp">12:41:48 AM</span> <span class="sender">tunawarrior:</span><pre class="message">yes, sticking to our in-house 1 strike per employee policy.</pre></div>  
<div class="receive"><span class="timestamp">12:41:55 AM</span> <span class="sender">tunawarrior:</span><pre class="message">love the guy to death, but rules are rules.</pre></div>  
<div class="status">tunawarrior disconnected (1:41:46 AM)</div>  
<div class="receive"><span class="timestamp">11:51:48 PM</span> <span class="sender">tunawarrior:</span>

```
</span><pre class="message"><a href="http://www.apple.com/downloads/dashboard/"  
title="http://www.apple.com/downloads/dashboard/">http://www.apple.com/downloads/dashboard/</a></pre></div>
```